

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, MARCH 18, 2014 – 7:00 P.M.

Prayer offered by Vice Mayor Angela Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Riddick, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to excuse Mr. Riddick from today's meeting.

Motion adopted.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

Mayor Fraim presented Erin Zabel, Community Chapter Executive with the American Red Cross with a Proclamation.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the conveyance to **Joel J. Lopez and Kelley Lee Lopez** of a certain parcel of property described as **SS Portal Road**, acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the Conveyance Agreement.

Thereupon, an Ordinance entitled, “An Ordinance repealing Ordinance #45,169 adopted July 9, 2013, and authorizing the conveyance to **Joel J. Lopez and Kelley Lee Lopez** of a certain parcel of property, acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the Conveyance Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 18, 2014.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a Lease Agreement with **Crown Castle GT. Company, L.L.C.** for an existing communication tower located at **422 Government Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with Crown Castle GT. Company, L.L.C. for an existing communications tower located at 422 Government Avenue,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 18, 2014.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a Lease Agreement with **Crown Castle GT. Company, L.L.C.** for an existing communications tower located at **1384 Kempsville Road.**

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with Crown Castle GT. Company, L.L.C. for an existing communications tower located on a parcel of land lying 90 feet south of the closest point of the outfield fence of the girls’ varsity softball field at Lake Taylor High School,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 18, 2014.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a Land Disposition and Development Contract with **Ocean View Properties, Inc.** for two parcels of land consisting of a total of 5.737 acres, more or less and located at **719 E. Ocean View Avenue.**

Anne Bolen, 9542 18th Bay Street, and Alton Robinson, 735 W. 35th Street, asked questions on this matter.

Thereupon, an Ordinance entitled, “An Ordinance approving a Land Disposition and Development Contract with Ocean View Properties, Inc., for two parcels of land consisting of a total of 5.737 acres, more or less, and located at 719 E. Ocean View Avenue,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 18, 2014.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

CONSENT AGENDA

C-1

Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the Special Election on February 25, 2014, pursuant to **Section 24.2-675** of the *Code of Virginia*.

ACTION: Received and filed.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

Councilman Smigiel departed the meeting at 7:30 p.m.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Asia Food of Norfolk, Inc.** authorizing the operation of an eating and drinking establishment known as ‘**Golden China**’ on property located at **9645 1st View Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Xayaca, Inc.** authorizing the operation of an eating and drinking establishment known as ‘**Island Krave Caribbean Smokehouse**’ on property located at **222 W. 21st Street, Unit J**,” was introduced in writing and read by its title.

Dorothy Lovell, 222 W. 21st Street, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Josh D. Loney** to permit mixed uses on property located at **6137 to 6145 Sewells Point Road**,” was introduced in writing and read by its title.

Austin Lone, 2205 Jeffrey Avenue, President of Five Points Business Association, was present to answer questions.

Josh Loney and Anne Wilson, 7416 Doumar Drive, were present in support of this matter but did not wish to speak.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to **Push Comedy Theater** authorizing the operation of an entertainment establishment known as **‘Push Theater’** on property located at **763 Granby Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Fraim.

No: None.

R-4A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit off-lot parking on property located at **111 W. Virginia Beach Boulevard**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Solitude Trail, LLC** authorizing the operation of an eating and drinking establishment known as ‘**Small’s Restaurant & Catering Co.**’ on property located at **2700 Hampton Boulevard**,” was introduced in writing and read by its title.

John Small, 2700 Hampton Boulevard, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Frain.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Saltyuk, LLC** authorizing the operation of an entertainment establishment known as ‘**Stonehouse Lounge**’ on property located at **3300 N. Military Highway, Suite 3320**,” was introduced in writing and read by its title.

Paul Stanely, 650 Minuteman Road, Virginia Beach, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Section 2-18 of the **Code of the City of Norfolk, Virginia, 1979**, **SO AS TO** establish a procedure for continuing a meeting of the City Council that may be postponed or cancelled due to hazardous weather or other conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Frain.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **TowneBank – Ghent Branch** to encroach into Colley Avenue and Westover Avenue with an exposed aggregate sidewalk with modified concrete banding, landscaping and planters at **1006 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, and Winn.

No: None.

Abstain: Frain. Mayor Frain stated he would have to abstain because he is a member of the TownBank Board of Directors.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Kelly Jones** to encroach into Pelham Avenue right-of-way at **7437 Dehlman Avenue** with a living shoreline erosion protection system as approved by the Norfolk Wetlands Board,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Hampton Roads Transportation, Inc.**, to encroach into the right of way of **Chesapeake Boulevard** with a pole and footer,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Frain.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Article IV of Chapter 16 of the **Norfolk City Code, 1979**, **SO AS TO** add one new Section, numbered 16-100, to provide the Treasurer the authority to accept credit cards for payment of taxes and to authorize the Treasurer to add a fee to such payments in order to recover fees charged by the credit card companies,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Frain.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$115,816.00 from the **Virginia Pre-Hospital Information Bridge (VPHIB) Special Initiative Grant Program** of the Virginia Department of Health Office of Emergency Medical Services for the purchase of mobile computers for the Department of Fire-Rescue and appropriating and authorizing the expenditure of the \$115,816.00 in grant funds for the purchase of the mobile computers,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Frain.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a 2013 **State Homeland Security Program Grant Award** of \$28,470.00 from the **Virginia Department of Emergency Management for the Citizens Emergency Response Team** and appropriating and authorizing the expenditure of the grant funds for the Citizens Emergency Response Team,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Frain.

No: None.

A Resolution entitled, “A Resolution appointing 9 persons to the Architectural Review Board for certain terms,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective March 18, 2014.

Yes: Green, Protogyrou, Whibley, Williams, Winn, and Frain.

No: None.

NEW BUSINESS

1. Rob Blizzard, SPCA Executive Director, 916 Ballentine Boulevard, spoke on animal sheltering issues.
2. Mary Simpson Jones, 7505 Paulin Court, commented on the parking issues at the HRUBS building.
3. Donald Hornstein, 1309 Stockley Gardens, spoke regarding his concerns regarding the building at 161 Granby Street.
4. Dan Montague, 4605 Krick Street, commented on the contractors doing work at the Fitness and Wellness Center.
5. Danny Lee Ginn, 3844 Dare Circle, commented on good government.